

Osberg v. Foot Locker, Inc., et al., 07-cv-01358 (KBF) (S.D.N.Y.)

Joint Pretrial Order

July 1, 2015

Exhibit 3

**The Parties' Statement re Witnesses
Expected to be Offered in the
Cases-in-Chief**

Joint Pretrial Order – Exhibit 3

The Parties' Statement re Witnesses Expected to be Offered in the Cases-in-Chief

“Total estimated time” identified below is the parties' current estimate of the time required including direct testimony (including adoption of any declaration of direct testimony), cross-examination and redirect examination. It does not include estimated time for the Court's questions, if any, or the Class's rebuttal, if applicable.

“Estimated cross-examination” is the opposing party's current estimate as to the length of time needed for cross-examination.

Live Witnesses Who the Class Intends to Call

Roger N. Farah

Total estimated time: 1.5 hours. Defendants' estimated cross-examination: 30 minutes.

Patricia A. Peck

Total estimated time: 4.5 hours. Defendants' estimated cross-examination: 1.5 hours.

Thomas J. Kiley

Total estimated time: 4.5 hours. Defendants' estimated cross-examination: 1.5 hours.

Marion Derham

Total estimated time: 3.5 hours. Defendants' estimated cross-examination: 1.5 hours.

Linda J. Ine

Total estimated time: 2 hours. Defendants' estimated cross-examination: 1 hour.

Andrea S. Rattner

Total estimated time: 2 hours. Defendants' estimated cross-examination: 1 hour.

Ellen Glickfield

Total estimated time: 1 hour. Defendants' estimated cross-examination: 30 minutes.

Rita Welz

Total estimated time: 1 hour. Defendants' estimated cross-examination: 30 minutes.

Sue Hartman

Total estimated time: 45 minutes. Defendants' estimated cross-examination: 30 minutes.

Doris Albright

Total estimated time: 1 hour. Defendants' estimated cross-examination: 30 minutes.

Geoffrey Osberg

Total estimated time: 1.5 hours. Defendants' estimated cross-examination: 1 hour.

Ada Cardona

Total estimated time: 45 minutes. Defendants' estimated cross-examination: 30 minutes.

Michael T. Steven:

Total estimated time: 1 hour. Defendants' estimated cross-examination: 30 minutes.

Richard Schaeffer

Total estimated time: 45 minutes. Defendants' estimated cross-examination: 30 minutes.

Russell Howard

Total estimated time: 45 minutes. Defendants' estimated cross-examination: 30 minutes.

Ralph Campuzano

Total estimated time: 45 minutes. Defendants' estimated cross-examination: 30 minutes.

Lawrence Deutsch, E.A.

Total estimated time: 7 hours. Defendants' estimated cross-examination: 3 hours.

Clark L. Maxam, Ph.D.:

Total estimated time: 1.5 hours. Defendants' estimated cross-examination: 1 hour.

Witnesses Whose Testimony the Class Intends to Present Via Deposition¹

Carol Kanowicz
Sherry Flesses
W. Barry Thomson
Dale Hilpert
Robert Salomone
Christopher Maikels

Other Live Witnesses Who Defendants Intend to Call

Lawrence Sher, E.A.

Total estimated time: 9 hours. The Class's estimated cross-examination: 3 hours.

¹ The Class believes that the parties will likely agree that the Court needs to watch portions of some of the witnesses' videotaped depositions to make assessments as to the content, accuracy, reliability and credibility of the witnesses' testimony. In one or more other cases, the parties may be able to arrive at stipulations that would allow the Court to receive the testimony via deposition transcript only.

Witnesses Whose Testimony Defendants Intend to Present Via Deposition

Dale Hilpert
W. Barry Thomson
Carol Kanowicz
Robert Salomone
Sherry Flesses